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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,970	01/31/2006	Masaaki Inoguchi	126307	2370

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EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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01/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/560,970

Applicant(s)

INOUCHI, MASAOKI

Examiner

Timothy V. Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed December 16, 2005 are clearly informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because applicant should not refer specifically to claim numbers in the specification, since the final number of the claims may be changed, in the event that the application is allowed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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a. The following phrases in the claims lack proper antecedent basis since they were not properly earlier referred to:

i. "the circumferential difference"(claim 1, last 2 lines). Applicant did not positively recite "the circumferential different" previously in claim 1.

ii. "'whose bevel groove"(claim 2, line 13).

iii. "the rimless frame"(claim 2, line 14)

iv. "a pattern . . . lens"(claim 2, last 3 lines).

v. "the data"(claim 3, line 8). Which data?

vi. "every edging condition"(claim 4, lines 3 and 4).

Applicant previously recited only a single edging condition.

vii. "each bevel-edging"(claim 4, lines 8 and 9).

Applicant previously recited only a single bevel-edging.

viii. "each lens edging part"(claim 5, line 3).

ix. "the monitoring step"(claim 6, line 3).

b. The following phrases in the claims are vague, indefinite, and/or awkwardly and confusingly worded, and are therefore not fully understood:

i. "a pattern . . . lens"(claim 2, last 3 lines).

ii. "an element . . . applied"(claim 3, lines 8 and 9).

When a cutting processing is applied to what?

iii. "such as . . . step"(claim 4, lines 10-end). The use of "such as" does not positively recite limitations of the claims.

Claim Rejections - 35 USC § 103

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siders et al(7,086,928).

a. Siders et al discloses a method of supplying a spectacle lens by bevel-edging an uncut spectacle lens based on lens edge shape data of a specified spectacle frame, comprising; a lens edging step for bevel-edging the spectacle lens based on the lens edge shape data of the spectacle frame and a predetermined edging condition; a lens circumference measuring step of measuring a circumference of the spectacle lens which is bevel-edged in the lens edging step. See specifically figure 1, and column 8, lines 31-41.

b. Siders et al does not specifically disclose a circumferential difference calculating step of obtaining the difference between the lens circumference which is obtained in the lens circumference measuring step and a lens edge circumference of the spectacle frame; and a correcting step of correcting the edging condition so as to keep the circumferential difference within a prescribed range.

c. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the edging condition if the circumference of the lens does not adequately fit the lens edge circumference of the spectacle

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frame, since clearly the circumference of the lens should be as close to the lens edge circumference of the spectacle frame.

d. Regarding claim 2, the measurements of the lens is two or three dimensional lens edge shape information.

Conclusion

6. Claims 3-7 have not been further treated on the merits since they are vague, and indefinite, and are therefore not fully understood.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. The cited prior art discloses lens manufacturing methods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy V. Eley/
Timothy V Eley
Primary Examiner
Art Unit 3724

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